[redacted]

Frederick County

Personnel Rules

Amended: July 27, 2000

Board of County Commissioners
Frederick County, Maryland

ORDINANCE NO. 76-8-68

AN ORDINANCE ADOPTING PERSONNEL RULES

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that pursuant to Section 35A-6 of the Frederick County Code 1959, as amended, the Personnel Rules for Frederick County are hereby repealed and re-enacted, with amendments, to read as shown on the attached Rules.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect from the date of June 1, 1976.

The undersigned hereby certifies that the aforegoing Ordinance was approved and adopted on the 1st day of June, 1976.

ATTEST:

James L. Bryan
Administrative Assistant

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: Lawrence A Dorsey, Sr.
President

These Personnel Rules were amended on May 1, 1979 by Ordinance No. 79-9-135, and on May 20, 1980 by Ordinance No. 80-14-166

These Personnel Rules were amended on September 21, 1981 by Ordinance No. 81-27-217, and on June 1, 1982 by Ordinance No. 82-8-252

These Personnel Rules were amended on February 5, 1985 by Ordinance No. 85-8-340, and on February 13, 1987 by Ordinance No. 87-1-433

These Personnel Rules were amended on June 21, 1988 by Ordinance No. 88-31-508, and on April 15, 1993 by Ordinance No. 93-07-071

These Personnel Rules were amended on November 9, 1993 by Ordinance No. 93-26-090, and on June 16, 1998 by Ordinance No. 98-17-219

These Personnel Rules were amended on July 27, 2000 by Ordinance No. 00-23-265.

Revised 07/27/00

FREDERICK COUNTY PERSONNEL RULES

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CHAPTER I

GENERAL PROVISIONS

Section 1 - Authority

These Personnel Rules do not limit the authority of the Board of County Commissioners or other appointing authority to regulate the competent and efficient operation and management of the Frederick County Government.

Section 2 - Purpose

The purpose of these rules is to establish procedures which will serve as a guide to administer action concerning the various personnel activities and transactions. They are intended to provide the most reasonable methods whereby the aims of the personnel program can be carried out.

Section 3 - Positions Covered

These rules shall cover all employees who are appointed or paid by the Board of County Commissioners on an hourly, weekly, monthly, or yearly rate except as otherwise provided for herein (refer to Chapter IV).

Section 4 - Funding of Benefits

All benefits are subject to the allocation of funds by the Board of County Commissioners.

Section 5 - Administration

These rules shall be administered by the Director of Personnel under the direction of the Board of County Commissioners.

Section 6 - Interpretation

These rules are intended to cover most personnel situations and actions for which the Board of County Commissioners is responsible. Those personnel situations and actions not specifically covered shall be handled by the Director of Personnel in keeping with the intent and the objectives of these rules.

Section 7 - Authorized Representative

When an action is required by a person occupying any position referred to herein, in the absence of such person, his/her duly authorized representative may act. The term "Division Director" as used in these Personnel Rules where appropriate includes Division Directors, Department Heads, Agency Directors, Bureau Chiefs or the designee of any of these.

Section 8 - Publication and Distribution

These rules shall be published in booklet form and be made available to all County employees and their representatives.

Section 9 - Employees of Frederick County Sheriff's Office

All employees appointed by the Frederick County Sheriff are subject to these rules except as follows: a) these employees are not subject to Chapter III, Section 8; Chapter IV, Section 3; Chapter VIII, Section 4; and Chapter X, Section 3; and b) to the extent the Law Enforcement Officers Bill of Rights (LEOBR) applies, LEOBR shall prevail. The Frederick County Sheriff's Office policies and procedures shall constitute the County Personnel regulations for those matters covered in subsection a (above). In all other respects these Personnel Rules shall apply to the employees appointed by the Sheriff.

Section 10 - Employees of Frederick County Public Libraries

Employees in the Frederick County Public Libraries (FCPL) system are under the authority of the FCPL Board of Trustees. FCPL has adopted the Frederick County Personnel Rules except where those rules conflict with state law relating to public libraries or with FCPL personnel procedures.

Section 11 - Employees of Frederick County State's Attorney Office

These rules do not apply to the employees appointed by the Frederick County State's Attorney except to the extent that the State's Attorney elects to have the rules apply or as otherwise required by law.

Section 12 - Directors

By separate resolution (Resolution 97-09 as amended from time to time), the Directors (as listed in that separate resolution) are not subject to Chapters VI, VII and IX of these rules.

Section 13 - Intra-Departmental Rules

A. Because of the varied nature of the many departments of the County, it may be necessary for a Division Director to establish specific intra-departmental rules necessary for the operation of that department and which may apply only to that department.

B. Such intra-departmental rules may be prepared and implemented by a Division Director but such rules must be in writing. A copy of such rules must be distributed to every employee of the department and be filed with the Director of Personnel.

C. Intra-departmental rules may not conflict with the County Personnel Rules. If there is a conflict, County Personnel Rules prevail.

CHAPTER II
CLASSIFICATION PLAN

Section 1 - Definitions

A. A position is a group of currently assigned duties and responsibilities requiring full-time or part-time employment of one person. A position may be occupied or vacant.

B. A class is a group of positions (or one position) that: (1) has similar duties and responsibilities; (2) requires like qualifications; and (3) can be equitably compensated by the same salary range.

C. A class title is the official designation of a position as stated in the class specification. It shall be used on all Personnel records and actions.

Section 2 - Administration of the Classification Plan

The Director of Personnel, under the direction of the Board of County Commissioners, is responsible for administering the Classification Plan. It is his/her duty to examine the nature of the positions as they are created and to allocate them to the existing class or create new classes; to make such changes in the Classification Plan as are made necessary by changes in the duties and responsibilities of existing positions; and, periodically, to review the entire Classification Plan and recommend appropriate changes in allocations or in the Classification Plan.

Section 3 - Classification of New Positions

Whenever a new position is established or duties of an old position change, the Division Director shall submit in writing a comprehensive job description detailing the duties of such a position. The Director of Personnel, with the approval of the County Manager, shall classify the position to one of the classes in the Classification Plan. If a suitable class does not exist, he/she shall recommend the establishment of a new class which must be approved by the County Manager, and then classify the position to it.

Section 4 - Classification Appeals

If an employee has facts which indicate that his/her position is improperly classified, the employee may request the Division Director to review the classification of the position and submit a request for reclassification. The Division Director may submit such a request in writing to the County Manager, through the Director of Personnel, with a statement of justification. Such classifications shall continue in force until changed under the provisions of these rules.

Section 5 - Maintenance of Plan

A. Each time a new position is proposed to be established, a position description shall be completed by the Division Director and submitted to the Director of Personnel for review. The Director of Personnel shall submit his/her findings and recommendations to the County Manager for approval.

B. Each time a department or division is reorganized, position descriptions for all affected employees shall be submitted to the Director of Personnel for review and approval.

C. The Director of Personnel may require departments/divisions or employees to submit position descriptions on a periodic basis or at any time there is reason to believe that there has been a change in the duties and responsibilities of one or more positions.

D. Each time a new class is established, a class specification shall be written and incorporated in the existing Plan. The class title shall be added to the Classification Plan. Likewise, an abolished class shall be deleted from the Classification Plan by removing the class specification and eliminating the class title.

E. Class specification descriptions shall be distributed to all Division Directors and be available upon request to employees and their representatives.

Section 6 - Interpretation of Class Specifications

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established. In a series of classes, such as the Administrative Specialist classes, the specifications for all classes should be reviewed as a unit.

Section 7 - Non-classified Positions and Employees

A. Due to the nature and conditions involving certain positions throughout the County government, it may be impractical to establish these positions as part of the regular Classification Plan as they apply to compensation and fringe benefits. These positions shall be known as "non-classified positions" and persons filling these positions shall be known as "non-classified employees". Examples of such non-classified positions and employees may be persons working as Pages in the Library system, persons employed under a "work-study" or a "seasonal jobs" program, part-time employees, and emergency employees.

B. The Director of Personnel shall maintain a description of "non-classified" positions as an addendum to the Classification Plan.

C. Non-classified employees shall be required to observe all Personnel Rules relating to employment the same as classified employees.

Section 8 - Official Copy of the Classification Plan

The Director of Personnel shall be responsible for maintaining an official copy of the Classification Plan. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

CHAPTER III
COMPENSATION PLAN

Section 1 - Composition

The salary schedules as adopted by the Board of County Commissioners as a part of the annual budgeting process shall constitute the grades and rates of pay for all classifications in the County Classification Plan and represent the rates of pay applicable to the positions for annual full-time employment based on the standard work week for those positions.

A. The rates of pay for "non-classified positions" are not a part of the Compensation Plan since these may vary between the minimum set by the Fair Labor Standards Act and the minimum of the Compensation Plan.

B. The rates of pay for "non-classified positions" shall be set by the Board of County Commissioners as part of the annual budgeting process.

Section 2 - New Appointees

A. Generally, a new employee shall be paid the minimum rate of pay for the class. Exceptions may be granted upon the prior approval of the Director of Personnel, County Manager or Board of County Commissioners in the following cases:

1. The minimum rate for each class is based upon the requirement that a new employee meets the minimum qualifications stated in the class specifications. If it becomes necessary to appoint a new employee of lesser qualifications, he/she should begin at one or possibly two grades below the minimum rate of the class.

2. If a new employee more than meets the minimum qualifications, and will not accept appointment at the minimum rate of the class, he/she may be appointed at a higher rate of pay. This practice should be used in emergencies only. Cases should be thoroughly analyzed and measured against objective standards. In addition, every effort should first be made to recruit the best qualified employee who will accept appointment at the minimum rate of the class.

B. All new employees are on probation during the first six (6) months of employment.* Termination may occur at any time during the probationary period. The probationary period may be extended for an additional time, not to exceed six (6) months, upon request of the Division Director and approval of the Director of Personnel.

* The probationary period for certain positions as designated by the Sheriff in the Frederick County Sheriff's Office is 18 months. The probationary period for certain positions as designated by the Director of Emergency Services in the Emergency Services Division is 12 months.

Section 3 - Promotions

A. * When an employee is promoted to a position in a higher grade, the employee's current rate of pay shall be increased by 7% of that rate of pay, or to the minimum of the new grade, whichever is higher (the new rate of pay cannot exceed the maximum of the new grade).

B. Whenever possible, classified employees working for Frederick County shall be considered for promotion for positions which become available. Outside applicants will be considered thereafter.

Section 4 - Upgrades

When an employee is promoted to a position in a higher grade due to meeting the requirements of service time, additional education and training, and satisfactory performance, these promotions shall be considered an upgrade. The employee's current rate of pay will be increased by 3.5% of that rate of pay, or will be increased to the minimum rate for the higher grade, whichever is higher.

Section 5 - Demotions

When an employee is demoted to a lower class position, or when an employee of a higher class position applies for a lower class position and is approved, the employee shall be paid at a rate which is within the approved range for the lower class position, wherever possible.

A. Involuntary Demotion: In the case of a demotion for disciplinary reasons, the employee's current rate of pay will be reduced by 7% of that rate of pay and placed within the lower pay grade range (the new salary cannot fall below the minimum of the new grade). (Refer to Chapter VI, Section 3)

B. Voluntary Demotion: In the case of a voluntary demotion, the employee's current rate of pay shall be reduced by 3.5% of that rate of pay and placed within the lower pay grade range.

Section 6 - Part-time Employment

Part-time employees will be paid the hourly equivalent of the annual salary assigned to the position for which they are hired.

* Section 3,A does not apply to employees promoted from other County positions into the position of Deputy Sheriff with the Sheriff's Office. The rate of pay for these employees will be adjusted to equal the base of the grade for Deputy Sheriff. Refer to Chapter I, Section 9.

Section 7 - Annual Increments; Effective Date of Increments

A. The salary grade ranges adopted in conjunction with the Compensation Plan provide for annual increments based upon an employee's satisfactory performance, but the implementation of these increments shall be the decision of the Board of County Commissioners during the annual budgeting process. The annual increment is 3.5% of the midpoint of an employee's current pay grade. In addition, the Board of County Commissioners may determine that an economic adjustment will also be available.

B. Based on the decision of the Board of County Commissioners that an annual increment will be provided, the following shall be the conditions of those to receive increments.

1. Employees employed for an entire fiscal year will be eligible to receive the full increment.
2. Employees who are hired during the fiscal year will be eligible to receive a pro-rated increment based upon 1/12 of the increment for each full month or portion of a month employed during the fiscal year.
3. An employee who has a leave of absence (any type) for more than 90 calendar days in any fiscal year, shall be eligible to receive a pro-rated increment for the number of months actually worked, based upon the formula in Section 7,B,2, above.
4. The annual increment, or any portion thereof, may be denied by the Division Director based upon unsatisfactory work performance.

Section 8 - Overtime*❖

A. When an employee's actual hours worked exceed 40 hours in one week, any additional hours worked authorized by the Division Director, may be paid at a rate one and one-half times the employee's regular hourly rate.

B. In the event of an emergency caused by unusual and adverse weather conditions, and/or an event that adversely affects the normal operations of a County facility, that require County employees to work other than their regularly scheduled working hours, the employee may be paid 1½ times his/her regular hourly rate for the excess hours whether or not his/her total work week hours exceed 40 hours, if authorized by the Division Director.

C. This section only applies to those employees whose positions are designated as non-exempt in the position classification schedule.

Section 9 - Interpretation

The Director of Personnel shall be responsible for interpreting the application of the Compensation Plan to pay situations which are not specifically covered by these rules using the principles expressed herein as a policy guide.

* This Section does not apply to certain employees of the Sheriff's Office. Refer to Chapter I, Section 9.

❖ Overtime is computed differently for Firefighters.

CHAPTER IV

TYPES OF EMPLOYEES AND APPLICABLE BENEFITS

Section 1 - Regular Employees (Full-time and Part-time)

A. A regular employee is an individual who has been appointed to a budgeted position approved by the Board of County Commissioners and who has completed the probationary period of employment and thereafter been certified by the Division Director as having achieved a regular employee status. A regular employee is eligible for all benefits provided by the County, including the right to the appeal procedure.

B. A regular part-time employee is an individual who has been appointed to a budgeted position by the Board of County Commissioners who does not work the standard work week, but is employed to work certain hours on a regular basis. After completing the probationary period of employment, the individual is certified by the Division Director as having achieved a regular part-time employee status. If the employee works at least 50% of the hours of the full-time employee, on a regular basis, he/she is entitled to a proportionate percentage of annual and sick leaves and paid holidays in relation to the work hours of full-time employees. Eligibility for other benefits is determined according to the conditions applicable to the benefit.

Section 2 - Temporary Employees

A. County Funded Employees: A temporary employee is an individual who may be employed to fulfill a vacancy created by emergency, sickness, military leave or other authorized leaves of absences, or County need. He/she is automatically terminated when the person being replaced returns to the position, or the temporary County need has been fulfilled. These employees are not eligible for any fringe benefits other than paid holidays should they occur during the period of employment.

B. Non-County Funded Employees: An individual who is employed through a State or Federal grant or other possible funding is considered a temporary employee. A temporary employee enters employment on the conditions of the funding involved and only is eligible for those fringe benefits provided by the funding. A temporary employee is automatically terminated and the position abolished with no obligation assumed by the County once funding is terminated.

C. Part-time Employees: A part-time employee is an individual who may be employed to work full or part work weeks on a seasonal basis, a person on a work-study program, or a student or individual who may be employed to work full or part work weeks on a limited time basis. Part-time employees do not receive any leave or fringe benefits, including paid holidays. Part-time employees are paid only for hours worked.

D. None of the employees referred to in this section are eligible for the appeal procedure.

Section 3 - Probationary Employees*

A. New Employees: Each person upon initial appointment to any position in the classified service (regardless of the funding source) shall be known as a "probationary employee" until he/she satisfactorily completes a probationary period of six (6) calendar months* (see Chapter III, Section 2B). The probationary period shall be regarded as an integral part of the County evaluation process and shall be utilized for closely observing the new employee's work. An employee may be terminated at any time during the probationary period. An employee's probationary period under this category may be extended for an additional time, not to exceed six (6) months, upon request of the Division Director and approval of the Director of Personnel. A probationary employee is not eligible for the appeal procedure.

B. Regular Employees: Regular employees who are promoted, demoted or transferred to another position for any reason whatsoever must undergo a probationary period of three (3) months to show that they have proven ability to perform satisfactorily in the new position.

1. An employee in this category may be terminated at any time during the probationary period if his/her work proves unacceptable and unsatisfactory or for any other reason referred to in Chapter VI.
2. A regular employee who is undergoing this type of probationary period shall maintain all County benefits he/she has achieved in the previous position.
3. An employee's probationary period under this category may be extended for an additional time, up to a total of six months, upon request of the Division Director and approval of the Director of Personnel.

Section 4 - Elected Officials

Elected officials are exempt by law from the Personnel Rules, but may be eligible for certain "fringe benefits" such as the retirement program, hospitalization insurance program, life insurance program, etc., which have been accorded regular County employees as long as there are no conditions of the fringe benefit program involved that may prohibit participation.

* The probationary period for certain positions as determined by the Director of Emergency Services in the Emergency Services Division is 12 months. The probationary period for certain positions as designated by the Sheriff in the Frederick County Sheriff's Office is 18 months.

CHAPTER V

EMPLOYEE PERFORMANCE EVALUATIONS

Section 1 - Objective

The purpose of the employee performance evaluation shall be primarily to inform new employees and/or regular employees who have transferred to a new position on how well they are doing their work and how they can improve their work performance. The performance evaluation may also be used for evaluating any regular employee in regard to recommending salary increases and decreases; as a basis for training, demotion, transfer, or dismissal; and for such other purposes as set forth in these regulations.

Section 2 - Period of Evaluation

Evaluations of new employees are to be made no later than three (3) weeks prior to the conclusion of the employee's probationary period on approved evaluation forms.

Evaluations of regular employees who have transferred to a new position for any reason whatsoever shall be made no later than three (3) weeks prior to the conclusion of the probationary period.

If the probationary period has been extended for a regular employee who has transferred to a new position, another evaluation shall be made three (3) weeks prior to the conclusion of the extended probationary period.

All regular employees shall be evaluated annually at a time determined by the Director of Personnel and at the time of separation.

Section 3 - Evaluators

Evaluations shall be made by the immediate supervisor of each employee and they shall be reviewed by the Division Director. An employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the employees under his/her supervision who are on a probationary status.

Section 4 - Review with Employees

The evaluator shall discuss each performance evaluation with the employee being evaluated, except at the time of separation of an employee from service. The employee has the right to comment as to whether or not he/she agrees with the evaluation. If an employee disagrees with the supervisor's appraisal of his/her work, the employee discusses the points in question with the supervisor. If an agreement cannot be reached, the disputed points are taken to the Division Director. If an agreement still cannot be achieved, the disputed points may be taken to the appointing authority of the personnel of the department concerned. At this point an intensive evaluation of the points raised is to be made, and adjustments made if justified. In any case, the employee's objections to the appraisal are to be made a part of the permanent record along with the appraisal.

Section 5 - Performance Evaluations Confidential

Performance evaluations shall be confidential and shall be made available only to (a) the employee evaluated or his/her representative; (b) his/her supervisor or Division Director; (c) the Director of Personnel or his/her representative; or (d) the Board of County Commissioners or the Board's duly authorized designee.

Section 6 - Changes in Evaluation

Once the performance evaluation has been discussed with and given to the employee, and the employee has signed that he/she has read it and had the opportunity to discuss the performance evaluation, no changes can be made to the performance evaluation forms without the approval of both the Division Director and the employee.

Section 7 - Other Employees

Those employees who serve at the pleasure of the Board of County Commissioners, or at the pleasure of some other board, agency, committee, commission or individual, shall be evaluated by the individual or body to whom the employee is responsible. (See County Resolution 97-09 as revised)

SPECIAL NOTE

Approved evaluation forms can be found in the Appendix of the Personnel Rules.

CHAPTER VI*

DISCIPLINARY ACTION

Except as otherwise provided for by statutes or by resolutions of the Board of County Commissioners, the following provisions shall govern disciplinary actions affecting employees in the classified service.

Section 1 - Dismissals

All dismissals are made by the appropriate Division Director through the Director of Personnel. No dismissal of a regular employee shall take effect until a Division Director gives to such employee a written statement setting forth the reasons therefore and his/her appeal rights and the employee is given an opportunity to respond to the reasons given for the dismissal. An employee who has been dismissed shall be paid for his/her accumulated annual leave, and may be denied re-employment rights.

Section 2 - Suspensions

A Division Director may, for disciplinary purposes, suspend without pay any employee in his/her department for a length of time he/she considers appropriate, not exceeding five (5) working days. A written statement specifically setting forth reasons for such suspension shall be furnished to the affected employee by the Division Director and a copy filed with the Director of Personnel. With the approval of the Board of County Commissioners, or the appointing authority, an employee may be suspended for a longer period pending the investigation or hearing of any charges made against him/her.

Section 3 - Demotions

A Division Director may demote an employee for cause. A written statement of the reasons for any such action shall be furnished to the affected employee by his/her Division Director and a copy filed with the Director of Personnel at least five (5) working days prior to the proposed effective date of the action. (Refer to Chapter III, Section 5)

Section 4 - Reasons for Disciplinary Actions

Listed below are some of the reasons which may be causes for disciplinary action, but disciplinary action is not limited to the offenses listed below:

A. Unwillingness or refusal to perform assigned duties properly
B. Insubordination (disobedience)
C. Chronic or habitual absenteeism or lateness
D. Being absent without leave
E. Inefficiency

* This Chapter does not apply to certain Directors. Refer to Chapter I, Section 12.

F. Unauthorized use of, removal of, theft, or intentional damage to the property of the County or another employee, independent contractor, or customer
G. Giving false statements to any County official or employee, or the public
H. Violation of County Ordinances, administrative regulations or intra-departmental rules
I. Use, sale, or possession of illegal drugs and/or alcohol on the job, on County property, or in County vehicles
J. Conviction of violation of law bearing on job performance
K. Accepting an inducement to perform or fail to perform
L. Inability to perform assigned duties properly
M. Refusal to be examined by a County appointed medical professional when so directed
N. Conduct which is unbecoming of a County employee
O. Violation of a posted safety, fire prevention, health, or security rule
P. Falsification of County records (e.g. hours worked)
Q. A false statement in an employee's application for employment
R. Abuse of sick leave
S. Under the influence of an illegal drug, a controlled dangerous substance, or alcohol while on the job
T. Dishonesty or theft
U. Endangering the safety of or causing injury to other personnel or the public

Section 5 - Appeal Procedure

If an employee is eligible for an appeal under these Personnel Rules, refer to Chapter IX - Appeals Procedure.

* This Chapter does not apply to certain Directors. Refer to Chapter I, Section 12.

CHAPTER VII*

SEPARATIONS

Except as otherwise provided for by statutes or by resolutions of the Board of County Commissioners, the following provisions govern separations affecting employees in the classified service.

All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated.

Section 1 - Retirement

Any employee who is eligible may retire in accordance with the procedure established by the retirement/pension plan in which the employee participates.

Section 2 - Resignation/Quit

A. To resign in good standing an employee should give his/her Division Director at least fourteen (14) calendar days prior written notice. Normally, failure to comply with this rule shall be entered on the service record of the employee, shall result in a denial of re-employment rights, and shall result in a reduction of accumulated annual leave by one day for each calendar day less than the required fourteen days notice.

B. An employee who fails to report to work for three consecutive work days without authorized leave shall be separated from the payroll and reported as "quit". An employee who quits under these conditions may be ineligible for re-employment.

C. A Division Director, with the approval of the Director of Personnel, may exempt from any or all of these penalties an employee who has given less than the required notice, if in his/her judgment exceptional circumstances warrant such exemptions.

Section 3 - Lay-offs

A. Any involuntary separation for other than disciplinary reasons shall be considered a lay-off.

B. When it becomes necessary to reduce the working force in any department because of the lack of funds or other causes, factors to be considered in making the decision may include: past performance, length of service with the County, and length of service in a class. In the event of a lay-off, the County shall attempt to transfer the employee(s) affected to another department, without reduction in seniority, and if possible, without reduction in pay.

* This Chapter does not apply to certain Directors. Refer to Chapter I, Section 12.

Section 4 - Death

When a regular employee dies while in the classified service of the Personnel system of Frederick County, the salary due the employee plus his/her accumulated annual leave shall be paid to a named beneficiary designated by the employee, or in the event no beneficiary has been named, to his/her surviving spouse, and if there is no surviving spouse, to the personal representative of his/her estate or the parties entitled to the estate, as defined in the General Laws of the State of Maryland pertaining to the distribution of personal property.

Section 5 - Disability

A Division Director may direct any employee under his/her jurisdiction to be examined by a County appointed medical professional. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes his/her continuance on the job a danger to the employee or others, the following action shall be taken:

A. An attempt will be made to make a reasonable accommodation in the current position. If this is not possible, an attempt will be made to place the employee in a vacant position where the employee is able to perform the essential job functions for that position.

B. If the employee cannot be placed satisfactorily in another position, or a reasonable accommodation cannot be made, the Division Director shall separate the employee from the County service.

Section 6 - Dismissals

All dismissals are made by the appropriate Division Director through the Director of Personnel. No dismissal of a regular employee shall take effect until a Division Director gives to such employee a written statement setting forth the reasons therefore and his/her appeal rights and the employee is given an opportunity to respond to the reasons given for the dismissal. An employee who has been dismissed shall be paid for his/her accumulated annual leave, and may be denied re-employment rights.

Section 7 - Appeal Procedure

Any separation action provided in this Chapter may be appealed through one of the procedures as provided in Chapter IX - Appeals Procedure.

* This Chapter does not apply to certain Directors. Refer to Chapter I, Section 12.

CHAPTER VIII

ABOLISHMENT OF DIVISIONS, SECTIONS OF DIVISIONS OR POSITIONS; MERGER OF DIVISIONS OR SECTIONS OF DIVISIONS INTO NEW DIVISIONS; TRANSFER OF POSITION FROM ONE DIVISION TO ANOTHER DIVISION; INTER-DIVISION TRANSFERS; RECLASSIFICATION; REINSTATEMENT

Section 1 - Abolishment of Divisions or Sections of Divisions or Positions

When a Division (Agency, Board or Commission), a section of a Division or a position or positions are abolished as no longer serving the best interest of the County, every effort shall be made to provide the affected classified employees of that Division, section of a Division, position or positions, other job opportunities within their qualifications and skills. This does not guarantee the affected employee's position in the same class and rate of pay previously held.

A. If another job opportunity is unavailable for employees falling under this condition, or if the employee does not wish to accept another offered position, the employee is to be terminated upon the date the change is to be effected.

B. Severance pay shall be extended to employees terminated under the foregoing paragraph who are not offered another job opportunity on the following basis: 0 to 1 year of service: six and one-half (6½) days of pay; 2 to 10 years of service: thirteen (13) days of pay; 10 years and more of service: nineteen and one-half (19½) days of pay.

Section 2 - Merger of Divisions or Sections of Divisions

When a Division (Agency, Board or Commission) or a section of a Division is merged into a new or existing Division, employees of the merged Division or section of a Division shall be given job opportunities, if available, within their skills and qualifications within the new Division, but not necessarily within the same class and rate of pay previously held.

If an employee fails to accept the job opportunity presented, the employee is to be terminated upon the date the merger is to take place and shall not be eligible for severance pay.

Section 3 - Transfer of Position from One Division to Another Division

When a position is transferred from one Division to another Division, the employee in the position shall move with that position at the same class and rate of pay. If the employee involved refuses to move with the position, the employee is to be terminated upon the date of transfer and shall not be eligible for severance pay.

Section 4 - Inter-Division Transfers*

A transfer of an employee from one Division to another must have the approval of the Director of Personnel. An employee who is transferred shall continue at the same pay rate except as otherwise provided.

Section 5 - Reclassification

A. When an employee's position is reclassified to a higher salary grade, the employee's current rate of pay will be increased by 3.5% of that rate of pay, or increased to the minimum of the new grade, whichever is higher.

B. When an employee's position is reclassified to a lower salary grade, he/she shall be placed within the lower grade range at the same rate of pay; provided, however, that if the current rate of pay is greater than the new grade range maximum, the rate of pay will be reduced to the maximum of the new grade range.

Section 6 - Reinstatement

Any former employee who has resigned in good standing may be reinstated, if a vacancy exists, to the same or similar position with the same Division from which he/she resigned within one year of the date of resignation. The employee may be reinstated at the same salary in the pay schedule which he/she had received but cannot be reinstated at a higher salary. An employee reinstated under this section is eligible for all benefits accorded with his/her adjusted date of employment. An employee who is reinstated to regular employment under this section will have his/her original entry date adjusted for the purpose of annual leave and sick leave computations.

Section 7 - Appeal Procedure

Actions under this Chapter may be appealed through one of the procedures as provided in Chapter IX - Appeals Procedure, as applicable.

* This Section does not apply to employees transferred from other County divisions into the position of Deputy Sheriff with the Sheriff's Office. Refer to Chapter I, Section 9.

CHAPTER IX

APPEALS PROCEDURE*❖

Section 1 - Appeal of Disciplinary Action; Dismissals**

A. A regular employee who has completed his/her probationary period who is disciplined under provisions of Chapter VI or dismissed from the classified service under provisions of Chapter VII may, within five (5) working days of the receipt of the notice of such action, file a request in writing with the Division Director or appropriate administrator for a hearing. The request form for a hearing may follow the sample form as provided in the appendix of the Personnel Rules, or a style of the employee's choosing. The request, to the best of the appellant's ability, shall provide all the pertinent information concerning the action which is being appealed.

B. Upon receipt of the request for a hearing, the Division Director or appropriate administrator shall set a date, time and place for such a hearing not less than five (5) nor more than ten (10) working days after receipt of the request, unless otherwise mutually agreed upon by both parties, and shall notify the employee thereof. After the hearing, the Division Director or appropriate administrator will advise the employee of his/her decision within ten (10) working days. If the employee still is unsatisfied, the employee may, within five (5) working days of receipt of the Division Director's decision, file with the Director of Personnel a written request to have his/her case heard by the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners.

C. Upon receipt of a request for a hearing, the Board of County Commissioners or the appointing authority if different than the Board of County Commissioners, shall set a date, time and place for a hearing to be held not less than five (5) nor more than twenty (20) working days after the receipt of the request, unless otherwise mutually agreed upon by both parties, and shall notify the employee thereof.

   1. All hearings shall be conducted in closed session.
   2. The Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners, may determine if the action appealed from should be affirmed, reversed, or otherwise modified.
   3. The affected employee shall be notified in writing by the Board of County Commissioners, or appointing authority if different than the Board of County Commissioners, within ten (10) working days of the hearing of the final determination with respect to the disciplinary action or dismissal.
   4. The decision and action of the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners, shall be final.

* Working days for the purpose of this Chapter are defined as Monday through Friday, with the exception of holidays as adopted by the County.

** For the purpose of this Section, Deputy Sheriffs will be covered by the Law Enforcement Officers Bill of Rights.

❖ This Chapter does not apply to certain Directors. Refer to Chapter I, Section 12.

Section 2 - Grievance Procedure Appeal*

Appeals which involve disciplinary actions and/or dismissals shall be handled as provided in Chapter IX, Section 1. Other grievances which concern a decision or action that affects a regular employee's terms or conditions of employment, or a regular employee's belief that a mistake has been made in the administration of a rule, plan, or policy that affects a working activity, may constitute a grievance. This does not include negotiations of wages, salaries, or fringe benefits; position classifications; non-selection for a position or promotion to a County position; or actions taken against an employee during the employee's probationary period. A grievance shall be handled in the following manner:

Step 1: Within ten (10) working days after the event giving rise to the grievance or within ten (10) working days following the time when the employee should reasonably have known of its occurrence, the employee may request in writing a meeting to discuss the matter with his/her immediate supervisor. The immediate supervisor shall attempt to adjust the grievance and shall respond to the employee in writing within ten (10) working days.

Step 2: If the employee is not satisfied with the decision of the immediate supervisor, he/she may request a hearing with and a decision by the Department Head regarding the grievance. This request must be presented in writing to the Department Head within five (5) working days of the receipt of the decisions of the immediate supervisor, and set forth the facts on which the grievance is based and the relief requested. Upon receipt of this request, the Department Head shall attempt to adjust the grievance and shall respond to the employee in writing within five (5) working days.

Step 3: If the employee is not satisfied with the decision of the Department Head, he/she may request a hearing with and a decision by the Division Director, if applicable, regarding the grievance. This request must be presented in writing to the Division Director within five (5) working days of the receipt of the Department Head's decision, and set forth the facts on which the grievance is based and the relief requested. Upon receipt of this request, the Division Director shall attempt to adjust the grievance and shall respond in writing within five (5) working days.

Step 4: If the employee is not satisfied with the decision of the Division Director, he/she may request a decision through the Director of Personnel, by the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners. This request must be presented in writing to the Director of Personnel for the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners, within five (5) working days of receipt of the Division Director's decision, and set forth the facts on which the grievance is based and the relief requested. Upon receipt of this request for a hearing, the Board of County Commissioners or the appointing authority shall set a date, time and a place for a hearing to be held not less than five (5) nor more than twenty (20) working days after receipt of the request. The employee must be notified in writing of the decision within ten (10) working days. The decision of the Board of County Commissioners or the appointing authority is final.

* Working days for the purpose of this Chapter are defined as Monday through Friday, with the exception of holidays as adopted by the County.

Section 3 - Specific Conditions of All Appeals

A. The appealing employee shall have the right to appear with a representative of his/her choosing.

B. The failure of the employee to appeal a decision to the next higher stage within the designated time shall constitute a withdrawal and shall bar future action by the employee.

C. The failure of a Division Director to communicate his/her decision within the designated time shall permit the employee to proceed to the next stage of the appeal.

D. The employee may withdraw the appeal at any time by written notice.

E. All written material concerning an appeal of any type shall become a part of the personnel record of the employee involved, unless otherwise agreed by both the employee and the appointing authority.

CHAPTER X

ATTENDANCE, HOLIDAYS AND LEAVE

Section 1 - Hours of Work

The hours of work for all County employees shall be determined by the Board of County Commissioners.

Section 2 - Attendance

Each Division Director shall be responsible for the attendance of all persons in his/her department.

Section 3 - Holidays *❖

A. The following days are designated as regular holidays for employees in the classified service. The dates of these holidays will be determined by the Board of County Commissioners.

New Year's Day
Martin Luther King, Jr. Day
Presidents' Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day
Primary, General and Special Election days as they may occur

B. When a holiday falls on Saturday, employees shall be entitled to the Friday preceding said Saturday in observance of such holiday. Whenever a holiday falls on Sunday, the following Monday shall be considered a holiday. Holidays which occur during annual leave shall not be charged against annual leave.

C. Clarification of holiday work: In order to eliminate any confusion among employees who are working in departments/divisions that must operate on a regular 24-hours a day, seven days a week schedule, or on a regular six or seven days a week schedule, or on a schedule that is necessary to provide a public service on certain holidays, the following policy is hereby implemented:

1. In those departments and/or divisions where the regular work schedule calls for work on certain holidays (such as may be the case in Parks and Recreation, Department of Aging and any other department/division that may be specified as coming under this provision) in order to provide a service or convenience to the general public, employees of these departments shall be given another "paid day off" in lieu of the holiday.

* This Section does not apply to certain employees of the Sheriff's Office. Refer to Chapter I, Section 9.

❖ This Section does not apply to certain employees of the Emergency Services Division.

Section 3 - Holidays (continued)*❖

a. Employees working holidays under this provision shall be paid at their regular hourly rate.

b. It shall be the responsibility of the Division Director to keep a record of employees who work holidays and become entitled to a "paid day off". This "paid day off" shall be requested by the employee in writing in advance of the actual "paid day off" in order that the Division Director may make any arrangements necessary so the absence does not put an uncalled-for burden on the work of the department and/or division.

c. "Paid days off" in lieu of holidays must be taken within the calendar year of the holiday that created the "paid day off" benefit.

2. In those departments and/or divisions that must operate on a regular 24-hours a day, seven days a week schedule, or where the regular work schedule calls for work on holidays due to the nature of operation of the department/division (such as the Adult Detention Center, Landfill, Citizens Nursing Home and Emergency Communications Center, and any other department/division that may be specified as coming under this provision) the employees shall be paid at their regular rate for hours worked plus their regular "holiday pay".

   a. If an employee desires to waive the regular "holiday pay" and receive a "paid day off" at a later date, he/she shall make that decision prior to actually working the holiday and notify in writing on a standard request form, the Division Director who shall keep a record of all such requests.

   b. "Paid days off" in lieu of holiday pay must be taken within the calendar year of the holiday that created the "paid day off" benefit.

   c. Under no circumstances is an employee entitled to "holiday pay" and a "paid day off" for the same holiday.

3. In those departments and/or divisions that must operate on a regular 24-hours a day, seven days a week schedule, or in those departments/divisions that have a regular schedule that calls for work on a holiday, and it happens the schedule provides for the "holiday" being an employee's regular day off, the employee is NOT TO BE PAID for the holiday at the time the holiday occurs. Instead, he/she is to be given a "paid day off" during his/her regular work schedule in lieu of the "holiday". This "paid day off" must be provided and used by the employee within the calendar year of the holiday that created the "paid day off" benefit.

4. Holiday pay and "paid day off" pay is the same rate of pay for the same number of hours provided the employee for a regular working day, but never to exceed a total of eight hours.

* This Section does not apply to certain employees of the Sheriff's Office. Refer to Chapter I, Section 9.

❖ This Section does not apply to certain employees of the Emergency Services Division.

Section 3 - Holidays (continued)*❖

5. Holiday pay and "paid day off" pay SHALL NEVER BE COMPUTED in any work week as contributing to an overtime rate of pay.
6. A Division Director may authorize any employee to work a holiday and receive a "paid day off".
7. The County Manager or his/her designee may authorize "paid days off" in lieu of holidays to be carried over to the following calendar year for good cause.

Section 4 - Annual Leave

A. Annual leave is granted to an employee based upon the length of employment.

1. Employees with up to two years of service earn annual leave at the rate of three-eighths day per pay period, which is equivalent to nine and three-fourths (9¾) days per year.
2. Employees with two to ten years of service earn annual leave at the rate of five-eighths day per pay period, which is equivalent to sixteen and one-fourth (16¼) days per year.
3. Employees with ten years of service or more earn annual leave at the rate of seven-eighths day per pay period, which is equivalent to twenty-two and three-fourths (22¾) days per year.
   a. The maximum number of annual leave days an employee can carry over from one calendar year to the next is thirty (30) days. Any days in excess of thirty will be converted to sick leave in the first pay period of the subsequent calendar year. The County Manager may authorize an employee to carry over more than 30 annual leave days from one calendar year to the next if the County Manager determines that an extraordinary project reasonably prevents that employee from taking annual leave during the calendar year.
   b. An employee must have been employed for six (6) consecutive months before he/she can take annual leave.
   c. Annual leave cannot be authorized until it has been accrued.
   d. No allowance shall be made for sickness or incapacity of an employee on annual leave.
   e. Under proper termination procedures as defined in Chapters VI, VII and VIII, an employee shall be entitled to be paid for all accrued and unused annual leave.

* This Section does not apply to certain employees of the Sheriff's Office. Refer to Chapter I, Section 9.

❖ This Section does not apply to certain employees of the Emergency Services Division.

B. Requests for leave: Leave may be taken only after approval by the appropriate authority, but every employee shall be afforded the opportunity to take annual leave during the year, if properly requested.

C. Annual leave may be used, if requested properly, for vacation purposes or for portions of a day used for personal reasons.

Section 5 - Sick Leave

A. Sick leave will be granted to an employee by the same procedure set forth for annual leave in Section 4 of this chapter.

1. There shall be no limit upon the amount of sick leave an employee may accumulate. Sick leave may be taken by an employee from the date of his/her employment.
2. When sick leave is permissible:
   a. Sick leave shall be allowed in case of the employee's actual sickness or disability, including pregnancy of the employee, and necessary medical and dental appointments.
   b. Sick leave shall also be allowed for the purpose of caring for the actual sickness, disability, or necessary medical/dental appointments of an employee's child, dependent, spouse, parent, or parent-in-law.
3. In order to receive compensation while absent on sick leave the employee must notify his/her supervisor prior to or within one hour after the time set for beginning his/her daily duties, unless the employee is so ill as to be incapable of notification.
4. The Director of Personnel, upon written request by the Division Director or appropriate authority, may require that the employee be examined by a County appointed medical professional at any time.
5. The Division Director, or appropriate authority, with the approval of the Director of Personnel, in order to prevent abuse of sick leave or to assure medical attention for an employee, may institute a policy whereby an employee may be required to submit a medical certificate signed by a duly licensed medical professional which authenticates a period of illness of one day or more. Examples of sick leave abuse may include, but are not limited to, the following:
   a. Any pattern of sick leave usage, such as the use of six days in a six month period, one or two days at a time.
   b. Habitual sick leave absences on Mondays, Fridays, and/or the days immediately before and after holidays.

c. Any employee who has no significant accumulation of sick leave after at least three to five years of service, without sustaining a major illness during that time period.

6. Employees suspected of abusing sick leave privileges will be notified and appropriate disciplinary action taken.
7. Upon termination of employment, an employee SHALL NOT be paid for any accrued and unused sick leave.

B. Returning from sick leave: Upon returning from sick leave, the County may request from an employee a certification from a licensed medical professional or a County appointed medical professional that he/she is able to perform all the duties of his/her position to 100% capability.

1. If any employee cannot perform the duties of his/her position up to 100% capability, he/she may be refused the right to return to work until this capability is reached.
2. If, as a result of an illness, an employee cannot perform the essential job functions of his/her position, upon the employee's request, an attempt will be made to make a reasonable accommodation and to place the employee in a position where he/she is capable of performing the duties which the position requires. If a reasonable accommodation cannot be made, the Division Director shall separate the employee from the County service.

Section 6 - Sick Leave Incentive

A. In an effort to reward those regular employees who sparingly use their sick leave, the County will, at the end of every calendar year, pay employees for up to three (3) days of pay not to exceed $75.00 per day. If an employee goes throughout the twelve (12) month period between the first pay period in January and the last pay period in December without using any sick leave at all, the County will pay a three (3) day bonus to that employee not to exceed a maximum payment of $75.00 per day. If an employee uses one (1) day sick leave, he/she will receive a two (2) day bonus and if the employee uses two (2) days sick leave, he/she will receive a one (1) day bonus. Any portion of a day will be paid on a prorated basis. Use of three (3) days sick leave or more during any calendar year will warrant no additional pay.

B. If an employee uses sick leave due to a work related injury or must visit a medical professional at the direction of the County due to a past work related injury, the time used will not adversely affect the calculation of the sick leave bonus.

C. To be eligible for this bonus, a regular employee must be employed with the County at least 12 months as of the last pay period in December.

Section 7 - Annual Leave and Sick Leave Records

A. Regular employees shall have their annual leave and sick leave records recorded on each pay period's check stub. Regular part-time employees are entitled to a proportionate percentage of annual and sick leaves in relation to the work hours of full-time employees for the same position.

B. An employee shall not be allowed to accumulate annual, holiday and sick leave while on sick leave in excess of sixty (60) working days in any calendar year. If an employee is on sick leave in excess of sixty (60) consecutive working days, or a combination of sick leave days in excess of sixty (60) working days in any calendar year, his/her beginning date of employment will be adjusted to the total number of days over sixty (60) for computing annual and sick leave only.

Section 8 - Extended Sick Leave (When earned sick and annual leave are exhausted)

If a regular employee has an extended illness or is absent as a result of an off-duty accident for an extended period of time, and has used all of his/her sick leave and annual leave, the County provides, upon proper application to the Department of Personnel, an extended sick leave benefit that provides payment of one-half the employee's weekly salary for the remaining period of illness up to one year from the date the extended sick leave began. This benefit may not exceed one year in a three year period. The Director of Personnel may request that the employee be examined by a County appointed medical professional at any time.

An employee shall not be allowed to accumulate annual, holiday and sick leave while on extended sick leave.

Section 9 - Sick Leave Donor Program

A sick leave donor program has been established to assist employees who have exhausted all of their accrued leave. Parameters of this program are available under separate cover from the Department of Personnel. Under this program:

A. A regular employee may donate leave hours (of any type) on an as-needed basis, to another regular employee who meets the criteria.

B. Any regular employee who is eligible to accrue sick leave benefits and has completed 6 months of probationary status is eligible to receive benefits under the sick leave donor program.

C. An eligible employee may use this benefit in the case of the employee's illness, injury or disability.

D. An eligible employee may use this benefit for the purpose of caring for the illness, injury or disability of his/her child, dependent, spouse, parent or parent-in-law.

E. This benefit is limited to 60 working days within 12 consecutive months.

Section 10 - Military Leave

A. A regular employee who leaves the service of the County for the purpose of enlisting in the armed forces of the United States (armed forces means U.S. Army, U.S. Air Force, U.S. Marines, U.S. Navy, U.S. Coast Guard, U.S. Public Health Services, and any special military unit under the direction of the foregoing branches of service), shall be granted a leave of absence without pay and shall be entitled to be reinstated in his/her former job classification or to a position of like seniority status and pay grade unless the circumstances of the County have so changed as to make it impossible or unreasonable to do so. This leave shall not be granted beyond the first voluntary enlistment unless a national emergency exists.

B. A regular employee who is drafted or recalled to active duty by reason of his/her reserve or other status shall be granted a leave of absence without pay and shall be entitled to be reinstated in his/her former classification or to a position of like seniority status and pay grade unless his/her position has been abolished in the time between his/her last day of work and application for return. This leave shall not be granted beyond the first voluntary enlistment unless a national emergency exists.

C. Application for reinstatement shall be made as follows:

   1. Application for reinstatement must be made within ninety (90) days after discharge from active service or within one year if hospitalization continues after discharge; and

   2. Employee presents copy of honorable discharge or certificate showing satisfactory completion of service.

D. Any regular employee who is a member of any United States military reserve or national guard unit and is required to engage in annual training exercises will be granted leave with pay for a period of time not to exceed fifteen (15) days in one year, if it will not result in harm to the interest of the County. County compensation will continue in effect during the time of military leave.

E. When an employee returns from a military leave of absence, and the original position is upgraded or reclassified, the employee is eligible for the upgraded/reclassified position if qualified.

F. No type of military leave shall be deducted from other types of leave earned by the employee.

G. An employee returning from military service shall have a maximum of one year's service credited toward his/her length of service with the County for leave accrual purposes only.

H. Temporary employees as defined in Chapter IV, Section 2 are not included.

Section 11 - Educational Leave

A regular employee may be given educational leave without pay for the purpose of taking courses directly related to his/her work. Request for such leave must be approved in advance by the Division Director and the Director of Personnel. Since the time required for educational leave may vary from case to case, the Director of Personnel may review and decide the merits of each case.

Section 12 - Bereavement Leave

A. Permission for leave for maximum periods of three (3) working days, depending on need, shall be granted to any regular or probationary employee by the Division Director in the event of death of one of the following members of the family: spouse, children, parents of employee or spouse or others who took the place of parents, grandparents of employee or spouse, grandchildren, brothers and sisters of employee or spouse, and other relatives living as members of the employee's household. If travel requiring staying away from home overnight is involved, additional days may be allowed and charged against sick leave.

B. A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of attending the funeral of other people outside of the immediate family. After being granted leave with pay for this particular reason for any day or substantial portion of a day, he/she is expected to return to duty. Failure to return to duty when possible will result in charge to annual leave, or leave without pay.

Section 13 - Jury Leave

A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of serving on a jury. If the employee is excused or released by the Court for any day or substantial portion of a day, the employee is expected to return to duty. Failure to return to duty when possible shall result in charge to annual leave, or leave without pay. To receive his/her regular rate of pay while on jury duty, the employee shall produce evidence to the Department of Personnel of jury attendance.

Section 14 - Leave Without Pay

A Division Director may grant a regular employee a leave of absence without pay for a period not to exceed one year. Failure of an employee to return to duty upon the expiration of his/her leave without pay shall be interpreted as a resignation. Leave without pay shall be granted only when it will not result in harm to the interest of the County as an employer beyond any benefits to be realized. If the employee is on a leave of absence in excess of thirty (30) calendar days, his/her beginning date of employment will be adjusted by the total number of calendar days over thirty (30) for computing annual and sick leave only.

Section 15 - Absence Without Leave

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject to disciplinary action. In the absence of such disciplinary action, any employee who absents himself/herself for three (3) consecutive working days without leave shall be deemed to have quit. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

Section 16 - Disability Leave

A regular, probationary or temporary (non-County funded) employee who is temporarily disabled in the line of duty shall receive full pay for the period of his/her disability without charge against his/her annual or sick leave, subject to the following conditions:

A. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Worker's Compensation Act.

B. If incapacitated for his/her regular employment, the employee may be given other duties with the County government for the period of recuperation. Unwillingness to accept such an assignment as directed by the Division Director or the Director of Personnel will make the employee ineligible for disability leave during the time involved.

C. A County appointed medical professional shall determine the physical ability of the employee to continue working or to return to work.

D. Disability leave shall not exceed ninety (90) working days for any one injury, and after ninety days said employee may, at his/her request, be placed on sick leave.

E. Payment of disability leave is also contingent upon the assignment of Worker's Compensation checks for the first ninety-day period to the County.

Section 17 - Compensatory Time

A. All non-exempt employees (i.e. those who are eligible to receive overtime) will be eligible to accrue and use compensatory time.

   1. "Compensatory Time" means time worked by a non-exempt employee in addition to the standard work hours in the regular work week for the particular position.

   2. Compensatory time must be approved in advance by the supervisor before the time is accrued or used. In addition, the supervisor will decide whether compensatory time will be given instead of overtime or straight time.

3. For a non-exempt employee whose regular work week is 35 hours, compensatory time will be accrued on an hour-for-hour basis for hours worked above 35 in a week but less than 40 hours. For all employees, with the exception of Firefighters, hours worked above 40 will be accrued on a 1½ hour-for-hour (time and a half) basis.

   (e.g. for a 35-hour employee)

   37 hours worked = 2 hours compensatory time

   42 hours worked = 5 hours + (2 hours x 1½) = 8 hours compensatory time

4. Accumulation of compensatory time will be limited to the employee's regular work week (e.g. 35-hour employees will be limited to 35 hours, 40-hour employees to 40 hours). Accumulated, but unused compensatory time will be paid to non-exempt employees at the time of separation.
5. Before compensatory time may be approved or accrued, the employee must first sign a Compensatory Time Agreement (Appendix 3). The signed Compensatory Time Agreement will be kept in the employee's personnel file, in the Personnel office.

B. Exempt employees (those employees who are designated as exempt from receiving overtime) are not eligible for compensatory time, but can compute pay period hours on a cumulative pay period basis, rather than on a daily basis. (e.g. an employee who is regularly scheduled to work 70 hours in a two-week pay period can work flexible hours during that period as long as the hours total at least 70 during the two-week pay period)

1. Working hours must be approved in advance by the Division Director.
2. Generally, leave (not compensatory time) must be used for absences of one day or more. This subsection is not intended to allow an exempt employee to work less than a five-day work week on a regular basis, excluding holidays.
3. As an incentive for working on an extraordinary project, the County Manager may authorize an exempt employee to accumulate compensatory time on a cumulative basis for a time period longer than one pay period. The maximum accumulated compensatory time will be determined by the County Manager. Accumulated but unused compensatory time will not be paid to exempt employees at the time of separation.

Section 18 - Family Leave

A. In addition to other types of leave mentioned in this chapter, regular employees are eligible for family leave. Upon request and approval, in advance, by the Division Director, regular employees are eligible to receive a total of twelve (12) work weeks of leave (paid or unpaid) during any 12 month period (measured forward from the first date the leave begins) for one or more of the following conditions:

- Birth of a son or daughter;
- Placement of a son or daughter with the employee for adoption or foster care;
- Care for spouse, son, daughter, parent or parent-in-law who has a serious health condition; or
- A serious health condition of the employee.

1. All eligible accrued leave (e.g. annual, sick, holiday and/or compensatory) must be exhausted before family leave can be used and will count toward the maximum total of 12 work weeks of family leave within a 12 month period.
2. The County will continue the employee's health care coverage at the regular employee's rate as long as all employee contributions are paid during the unpaid leave periods. However, if the employee does not return to work, the employee will be responsible for the County's portion of the premiums for the unpaid leave period. Arrangements must be made with the Personnel office.
3. During the unpaid family leave periods, sick leave and annual leave will not be accrued.
4. While the employee is using family leave, the employee's position will be protected, and the employee will return to the position at the same grade and step at which he/she left.
5. Whenever the need for family leave is foreseeable, the employee must provide 30 days advance written notice before the leave is to begin.

B. Whenever the leave request is for a serious health condition, the County will require that a request for leave be supported with certification from the health care provider of the employee, spouse, son, daughter, parent or parent-in-law. Certification form WH-380 must be used.

1. If the validity of the certification letter is in doubt, the County may request that the employee obtain a second opinion - at the County's expense - from a health care provider designated by the County.
2. If there is a conflict of opinion between the two health care providers, the County may request the employee to obtain, at the County's expense, an opinion from a third provider jointly approved by the County and the employee.

Section 5 - Life Insurance

The County provides and pays the premium for insurance equal to two times the regular employee's annual salary (or four times the annual salary in the event of accidental death). The Department of Personnel will provide beneficiary forms for the employee to complete.

A voluntary life insurance program is offered to regular employees. Through this program regular employees may purchase individually owned life insurance for themselves and for their spouses and dependents. Employees may enroll on an annual basis.

Section 6 - Employee Assistance Program

The County offers an Employee Assistance Program that provides employees and their families confidential assistance in resolving problems that affect their personal lives and job performance. More information may be obtained from the Department of Personnel.

Section 7 - Deferred Compensation Plan

Each regular County employee may elect to join the Deferred Compensation Plan which is a federally approved pre-tax retirement savings incentive program. The County does not contribute on behalf of the employee. Complete information on the Deferred Compensation Plan may be obtained from the Department of Personnel.

CHAPTER XII

EMPLOYEE EDUCATIONAL PROGRAM

Section 1 - General

The employee educational program is established for the mutual benefit of both Frederick County Government and the regular employee. The program has two parts:

A. The first part of the program, commonly known as the County Plan, provides: a) 75% of the cost of tuition, books, registration fees, charges per credit hour or similar charges for a regular employee who completes a course related to current job requirements or promotional opportunities with Frederick County Government, or b) 50% of the aforementioned costs for courses that are a part of the accomplishment of a degree, certificate or professional or technical accreditation program which may be essential to or a requirement for any promotional opportunities within Frederick County Government.

1. Reimbursement is limited to two (2) courses per semester and to a maximum of $1,250 per fiscal year.
2. Courses of study eligible under this program include credit and non-credit courses, correspondence courses, and extension courses.
3. A grade of "C" or better or the numeric equivalent is required for reimbursement for all credit courses. Non-credit courses, home study courses, and proficiency examinations require a letter from the college or institution or a certificate verifying satisfactory completion.
4. Mileage allowances or other travel reimbursements are not considered as a part of this program
5. All requests for educational funds must be approved or disapproved by the Division Director concerned, and directed to the Director of Personnel for final action PRIOR to the registration for the course.

B. The second part of the program, commonly known as the Frederick Community College (FCC) Plan, provides:

1. The waiver of the cost per credit hour for employees enrolled in courses at FCC that relate to current job requirements or promotional opportunities with Frederick County Government, or
2. The waiver of the cost per credit hour for employees enrolled in courses that are not job related but are a part of the accomplishment of a degree, certificate or professional or technical accreditation program. These costs will again be waived if the employee has taken a job related course the previous semester. The same conditions outlined in Section 1A #1-5 above apply to the second part of the program known as the FCC Plan.

Section 2 - Application Procedures and Use of Request for Education Funds

A. Application for educational funds will be made on a Request for Educational Funds form.

B. The employee should describe as completely as possible the courses for which he/she is requesting reimbursement.

C. All requests for funds shall first be presented to the Division Director for his/her recommendation.

D. The employee and Division Director shall determine whether the required course is directly related to his/her position.

E. The Director of Personnel shall indicate the final action and return the original to the employee.

F. When the application has been finally approved and returned to the employee, he/she may enroll for the approved course and may expect to be reimbursed in accordance with the commitments made on the Request for Educational Funds.

G. Upon completion of the approved course, the employee shall forward to the Director of Personnel the following:

   1. Original copy of the Request for Educational Funds certifying his/her completion of the course,
   2. Copy of grades or other evaluation, and
   3. Copy of invoice showing the amount due the employee.
   4. For courses taken at FCC, the cost per credit hour has already been waived. Therefore, the employee must provide a copy of grades or other evaluation.

H. The Personnel office shall record the amount to be reimbursed on the original Request for Education Funds, and attach a copy of the grade(s) and any receipts and forward to the Accounting office for payment.

I. The Accounting office will verify cost and prepare the final check.

Section 3 - Conditions for Reimbursement

A. For the County Plan, the course must be completed with a grade of C or equivalent. If the employee withdraws from the course before completing same, reimbursement will not be made by the County.

B. For the FCC Plan, the course must be completed with a grade of C or equivalent. In the case where an employee does not receive a grade of C or better, the employee will be responsible for reimbursing the County for all costs for the course taken.

C. If the employee leaves County employment within the period of one year after completion of the course, he/she will reimburse the County for the course taken.

D. If the County's employee educational program is used in conjunction with any other scholarship, grant or other educational benefit, the County will consider reimbursement of covered costs remaining after application of payment from such other benefit source(s). The amount reimbursed by the County will be the lesser of a) the actual amount applicable under the appropriate Frederick County plan, or b) the portion of remaining costs eligible under the appropriate Frederick County plan which, when paid, will result in the employee having received a cumulative 100% reimbursement of covered costs through all of his/her educational benefit sources.

Department of Personnel
Frederick County, MD

COMPENSATORY TIME AGREEMENT

The employee whose name appears below agrees to the County Compensatory Time Rules. These rules (as stated in the Personnel Rules) provide:

A. All non-exempt employees (i.e. those who are eligible to receive overtime) will be eligible to accrue and use compensatory time.

1. "Compensatory time" means time worked by a non-exempt employee in addition to the standard work hours in the regular work week for the particular position.

2. Compensatory time must be approved in advance by the supervisor before the time is accrued or used. In addition, the supervisor will decide whether compensatory time will be given instead of overtime or straight time.

3. For a non-exempt employee whose regular work week is 35 hours, compensatory time will be accrued on a hour-for-hour basis for hours worked above 35 in a week but less than 40 hours. For all employees, with the exception of Correctional Officers, Firefighters and Deputy Sheriffs, hours worked above 40 will be accrued on a 1½ hour-for-hour (time and a half) basis.

   (e.g. for a 35-hour employee)
   37 hours worked = 2 hours compensatory time
   42 hours worked = 5 hours + (2 hours x 1½) = 8 hours compensatory time

4. Accumulation of compensatory time will be limited to the employee's regular work week (e.g. 35-hour employees will be limited to 35 hours, 40-hour employees to 40 hours). Accumulated, but unused compensatory time will be paid to non-exempt employees at the time of separation.

5. Before compensatory time may be approved or accrued, the employee must first sign a Compensatory Time Agreement (Appendix 3 in the Personnel Rules). The signed Compensatory Time Agreement will be kept in the employee's personnel file, in the Personnel office.

Employee name – printed	Social Security Number
Employee Signature	date
Supervisor Signature	date

AFFIRMATIVE ACTION PLAN AND EEO POLICY

Resolution No. 87-19 as revised by
The Board of County Commissioners October 6, 1987

I. POLICY STATEMENT

To further its goal of Equal Opportunity in employment for all employees and prospective employees, and in the provision of all services, without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap (unrelated in nature and extent so as to reasonably preclude the ability to receive benefits from services or perform a job), (hereinafter referred to as protected groups)[1] the Board of County Commissioners of Frederick County, Maryland (hereinafter referred to as the "County") states as its policy the following concerning these subjects under its jurisdiction:

A. No person shall be discriminated against on the basis of race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap in accordance with applicable local, State, and Federal law.

B. It will be the policy of the County to recruit, hire, train, evaluate, and promote persons in all job titles without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap, except where any of these characteristics are a bona fide occupational qualification.

C. The principle of Equal Employment Opportunity will always be an underlying basis for employment decisions.

D. All personnel actions and employment services including, but not limited to, compensation, benefits, transfers, performance evaluations, layoffs, return from layoff, training programs, tuition assistance, and social and recreational programs will be made available to, provided, and administered without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.

E. All services will be publicized, made available to, and provided without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.

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1 Hereinafter used to designate and define those groups who are protected under applicable law from discrimination due to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.

Affirmative Action Plan and EEO Policy (continued)

The Board of County Commissioners has the ultimate responsibility for achievement of Equal Employment Opportunity in the County. The Director of Personnel will manage the Plan. The Division Directors/Department Heads and Agency Directors shall implement the Plan and will be responsible to insure that all services are provided and that all employees and prospective employees are treated in a non-discriminatory manner in accordance with the Plan.

A quarterly reporting and monitoring system will be established to insure the success of the Plan.

The cooperation and support of all employees and County officials is required to assure Equal Employment Opportunity in all County facilities and assuring the non-discriminatory provision of services.

A complete text of the AA plan may be obtained from the Personnel Office.

POLICY – SEXUAL HARASSMENT

(As adopted by the Board of County Commissioners
February 13, 1987)

Sexual harassment will not be tolerated between employees while on the job. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment is also defined as when submission to a sexual advance or request is made either explicitly or implicitly a term or condition of employment, or used as the basis for employment decisions affecting the employee.

Employees are hereby assured that complaints may be lodged to either the employee's supervisor, Department Head, Division Director, or the Director of Personnel with no fear of reprisal, and that such complaints will be investigated in an objective and confidential manner.

Offenders will be subject to disciplinary action, which may include immediate discharge.

ETHICS

There is an Ethics Ordinance in Frederick County, contained in Chapter 1-7.1 of the Frederick County Code 1979, which covers all County employees and officials.

The Ordinance provides that employees and officials of the County are prohibited from engaging in acts which would amount to a conflict of interest under the Ordinance and further provides for certain financial disclosure by certain County employees and officials and further provides for the registration of lobbyists, whose purpose is to influence a person in the performance of his official duties. The Ordinance also provides that within one year following termination of employment from County service, no employee or official shall act as a compensated representative of another in connection with any specific matter in which he participated substantially as a County employee. There is a three-member Frederick County Ethics Commission, which administers the Ordinance and renders opinions concerning its provisions. The Ordinance, among other things, provides that employees and officials shall not act on any matter which would have a direct financial impact, as distinguished from the public generally, on their spouse, parent, parent-in-law, child, brother, sister, or a business entity with which any of the aforesaid are affiliated, and provides generally that employees and officials shall not hold or acquire an interest in any business that has or is negotiating a contract with the County in excess of the amount of $1,000.00 or be employed by any such business entity or hold any outside employment which would impair their impartiality or independence of judgment. The Ordinance also provides that employees and officials shall not solicit or accept any gifts under certain circumstances, with certain exclusions. The Ordinance also provides for the annual filing of statements concerning any gifts received which are excluded by the Ordinance. The Ethics Commission has the authority to grant exemptions under certain circumstances. It is also provided that any violation of the provisions of the Ordinance shall be a misdemeanor and upon conviction, the person shall be subject to a fine of up to $1,000.00 or six (6) months in prison, or both fine and imprisonment.

Copies of the Ordinance are available in the Office of the County Attorney.

revised 6/21/88

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